

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:10-CR-33-BR

UNITED STATES OF AMERICA

v.

ANDRE MARQUIS MITCHELL

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ORDER

This matter is before the court on review of the docket in this case.

Recently, on defendant's motion pursuant to 28 U.S.C. § 2255, the court vacated defendant's 2011 judgment and resented defendant under the Fair Sentencing Act ("FSA") to a 60-month term of imprisonment. (DE ## 180, 197.)

Pending are defendant's 24 April 2012 *pro se* motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2), (DE # 159), and his 6 March 2013 letter to the court, (DE # 169). In both these documents, filed prior to his § 2255 motion, defendant contends his sentence of imprisonment should be lower based on the FSA and the corresponding sentencing guidelines. Because the court has since corrected defendant's sentence in accordance with the FSA, the motion and the letter, to the extent it could be deemed a motion, are DENIED as moot.

Also pending is defendant's motion to seal his memorandum filed in conjunction with his re-sentencing. (DE # 193.) For good cause shown, the motion is ALLOWED.

This 29 October 2013.



W. Earl Britt
Senior U.S. District Judge